

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701-0790

02-0602-0502, Rules Pertaining to the Idaho Commercial Feed Law. Updates incorporation by reference.

02-0612-0501, Rules Pertaining to the Idaho Commercial Fertilizer Law. Updates incorporation by reference.

02-0641-0501, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001. Updates incorporation by reference.

IDAPA 07 – DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, Idaho 83642

07-0203-0501, Rules Governing Permit Fee Schedule. Eliminates the double permit fee payment for plumbing contractors who install both the plumbing and water and sewer service lines in residences.

IDAPA 08 – BOARD OF EDUCATION/DEPARTMENT OF EDUCATION PO Box 83720, Boise, ID 83720-0027

08.02.02, Rules Governing Uniformity.

****08-0202-0503,** Revises the Idaho's teacher standards that are incorporated by reference.

****08-0202-0504,** Removes the "reading in the content area" discrete course as a requirement to meet the Idaho Standards for teacher certification.

****08-0202-0505,** Revises specific teacher endorsement requirements to ensure the requirements align with Idaho's performance-based teacher preparation standards.

****08-0202-0506,** Updates and clarifies language in the Code of Ethics for Idaho Professional Educators.

****08-0202-0507,** Allows individuals who have completed an official armed forces training program and have provided notarized copies of their certificates of completion to be considered highly qualified to teach high school ROTC courses.

****08-0202-0508,** Eliminates special endorsement areas not specifically required for any one of the special education program assignments; realigns the Hearing Impaired and Visually Impaired endorsements; and adds definitions to clarify roles of Consulting and Supervisors/Coordinators of Special Education teachers.

08.02.03, Rules Governing Thoroughness.

08-0203-0504, Extends the curricular materials selection adoption cycle to 6 years and adds limited English proficiency to the subject area.

****08-0203-0505,** Adopts the physical education standards guidelines for Idaho's K-12 students.

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR PO Box 83720, Boise, ID 83720-0093

09.01.04, Rules of the Benefit Payment Control Bureau.

09-0104-0502, Removes provision allowing offset to occur on overpayments that resulted from a fraud determination to make the rule consistent with statute.

09-0104-0503, Adds definitions for "fraud overpayment" and "non-fraud overpayment"; indicates how payments for

overpayments will be applied by the department; and clarifies how payments made by claimants on overpayments with new penalties and/or accrued interest are going to be applied.

09.01.06, Rules of the Appeals Bureau.

09-0106-0501, Clarifies type of evidence that may be admitted or excluded from an appeals hearing.

09-0106-0502, Provides that if no party appears to present additional evidence at an appeal hearing, the examiner may make a decision on the existing record, and specify what that record will include.

09-0135-0509, Rules of the Employer Accounts Bureau. Eliminates from consideration on the “direction and control” test for an independent contractor whether the putative employer can terminate the worker without contractual liability.

IDAPA 10 – BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

5535 W. Overland Road, Boise, ID 83705-2728

10-0101-0501, Rules of Procedure. Updates Board contact information; and precludes the Board from proctoring exams for another jurisdiction except for state-specific exams.

IDAPA 11 – IDAHO STATE POLICE

PO Box 700, Meridian, ID 83680-0700

11-1101-0501, Rules of the Idaho Peace Officer Standards and Training Council. Adds exception language to Advanced Certificate requirements; updates Level I Reserve curriculum, the certification of vocational law enforcement programs, and canine team certification.

11-1102-0501, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers. Adds training and certification requirements for part-time Juvenile Detention Officers.

11-1104-0501, Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers. Establishes training and certification requirements for Correction, Adult Probation, and Parole Officers.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

PO Box 83720, Boise, ID 83720-0036

16-0210-0501, Idaho Reportable Diseases. Clarifies language; adds Norovirus as a reportable diseases; and reduces reporting times for Hepatitis A, Salmonella, Shigella, and Tularemia.

16-0601-0501, Rules Governing Family and Children’s Services. Deletes language that suspends or terminates adoption assistance benefits for failure to complete the annual recertification process.

16-0612-0501, Rules Governing the Idaho Child Care Program (ICCP). Limits child care assistance to 3 months per year for parents looking for work.

IDAPA 18 – DEPARTMENT OF INSURANCE

PO Box 83720, Boise, ID 83720-0043

18-0173-0501, Rule to Implement the Individual Health Insurance Availability Act Plan Design. New plan gives persons who may otherwise be unable to obtain coverage due to health conditions an option to purchase a high deductible plan coupled with a federally qualified Health Savings Account.

IDAPA 19 – STATE BOARD OF DENTISTRY

708½ W. Franklin St., Boise, ID 83702

19.01.01, Rules of the Idaho State Board of Dentistry.

19-0101-0502, New oral conscious sedation permit allows dentists to administer medications orally rather than intravenously; consolidates and adds provisions to existing sedation rules.

19-0101-0503, Changes dentist and hygienist license renewal from an annual to biennial requirement.

IDAPA 20 – DEPARTMENT OF LANDS

PO Box 83720, Boise, ID 83720-0050

****20-0201-0501, Rules Pertaining to the Idaho Forest Practices Act.** Amends and clarifies stream protection rules

relating to shade, large organic debris, slash removal, stream crossings, reuse of existing roads and prescribed burning within stream protection zones.

IDAPA 21 – DIVISION OF VETERANS SERVICES

320 Collins Road, Boise, ID 83702

21-0101-0501, Rules Governing Residency and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure. Prohibits the possession of all weapons in state veterans' homes.

21-0102-0501, Rules Governing Emergency Relief for Veterans. Clarifies that there are no written interpretations for this chapter.

21-0103-0501, Rules Governing Medicaid Qualified Units in Idaho State Veterans Homes. Adds Medicare certification to the rule.

21-0104-0501, Rules Governing the Idaho State Veterans Cemetery. Allows for an additional \$300 charge for preparation of interment site in cemetery areas where there are no pre-placed crypts.

IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD

1365 North Orchard, Suite 172, Boise, ID 83706

25-0101-0502, Rules of the Outfitters and Guides Licensing Board. Amends and deletes definitions; indicates that temporary employment, short-term loan, or transfer of guides shall not be on a routine basis; updates language to reflect industry changes; identifies penalty and annual license fee requirements; deletes redundancies currently in statute; clarifies application, operation, and records requirements and waiting lists and selection criteria; makes Clearwater River stickers on guide boats permanent; clarifies boundaries; identifies maximum numbers of boats to be used at any one time; and adds new river sections.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

PO Box 83720, Boise, ID 83720-0074

31-1101-0501, Safety and Accident Reporting Rules for Public Utilities Regulated by the Idaho Public Utilities Commission. Adopts by incorporation several national safety codes.

IDAPA 38 – DEPARTMENT OF ADMINISTRATION

PO Box 83720, Boise, ID 83720-0003

38-0602-0501, Rules Governing the Idaho Emergency Communications Commission Grants. New chapter establishes rules governing the grant process.

IDAPA 57 – SEXUAL OFFENDER CLASSIFICATION BOARD

1299 N. Orchard St., Suite 110, Boise, ID 83706

57-0101-0501, Rules of the Sexual Offender Classification Board. Updates incorporation by reference; clarifies specialized training requirements for psychosexual evaluators; training standard for initial certification increased to 200 hours; makes Certified Evaluator application fees non-refundable; requires adult client evaluation reports be submitted with evaluator applications; and clarifies that offender's refusal to participate in a polygraph examination during evaluation will not be considered as failure to participate.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

1410 N. Hilton, Boise, ID 83706-1255

58.01.01, Rules for the Control of Air Pollution in Idaho.

****58-0101-0504,** Revises emission registration requirements for Title V sources by consolidating emissions registration and emissions inventories into single project; and allows emissions data submissions to be completed using a Web-based collection program. Comment by: 10/11/05.

****58-0101-0507,** Revises certain currently-listed sources that are exempt from air quality permits to construct; and increases operating hours allowed for stationary internal combustion engines used for emergency purposes. Comment by: 10/11/05.

58.01.02, Water Quality Standards and Wastewater Treatment Requirements.

58-0102-0503, Revises the HH criteria to account for revised fish consumption rates and information in the Integrated Risk Information System database on health effects; and adopts an Idaho specific cadmium aquatic life criterion. Comment by: 10/7/05.

58-0102-0504, Changes chapter name; deletes and moves sections and definitions relating to wastewater treatment to

a new chapter (58.01.16); and adds required sections. Comment by: 10/5/05.

58-0108-0501, Idaho Rules for Public Drinking Water System. Establishes facility and design standards for drinking water line extensions; and adds required sections. Comment by: 10/5/05.

58-0113-0502, Rules for Ore Processing by Cyanidation. Increases permit processing fees to assure compliance with state and federal law; and adds required sections. Comment by: 10/5/05.

58-0116-0501, Wastewater Rules. New chapter creates standards for design of wastewater collection system line extensions; extends wastewater land application operator compliance deadline; clarifies operator licensure requirements for different systems; and incorporates treatment requirements and definitions from 58.01.02. Comment by: 10/5/05.

**The Deadline For Submitting Written Comments For These Rulemakings
Is September 28, 2005, Unless Otherwise Listed.**

****Public Hearings Have Been Scheduled For These Dockets.**

Please refer to the Idaho Administrative Bulletin, **September 7, 2005, Volume 05-9** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: <http://www2.state.id.us/adm/adminrules/>